

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
Z.C. ORDER NO. 05-18
Z.C. Case No. 05-18
(Consolidated Planned Unit Development and Related Zoning Map Amendment
Hope 7 Monroe St. LP, 1020 Monroe Street, N.W.)
April 20, 2006

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on January 23, 2006, to consider an application from Hope 7, Inc. (the “Applicant”) for consolidated review and approval of a planned unit development and a related amendment to the zoning map. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Zoning Commission hereby approves the application.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. On June 21, 2005, Hope 7, Inc., on behalf of Hope 7 Monroe Street Limited Partnership, filed an application with the Zoning Commission for the consolidated review and approval of a planned unit development (“PUD”) for the property located at the southeast corner of 11th and Monroe Streets, N.W., consisting of Lot 820 in Square 2840 (“PUD Site”).
2. On July 11, 2005, the Commission decided to set down the application for hearing. After proper notice, the Commission opened the public hearing on November 21, 2005. The Commission decided to continue the hearing to January 23, 2006 so that the Applicant could incorporate a zoning map amendment to the Application. The parties in the case were the Applicant and Advisory Neighborhood Commission (“ANC”) 1A, the boundaries of which include the PUD Site.
3. At the conclusion of the hearing on the PUD application on January 23, 2006, the Commission requested the submission of certain additional materials and information by the Applicant. The additional materials requested by the Commission at the hearing included the following:

- a) A detailed circulation plan;
 - b) Samples of materials to be used in the project;
 - c) Floor plans showing affordable housing units;
 - d) Documents regarding affordable housing, such as an affordable housing agreement;
 - e) Specified information regarding monetary donations to the Harriet Tubman Elementary School and Keely's District Boxing and Youth Center, including when the contributions would be made and how the contributions would be spent; and
 - f) Specified information regarding the lease of office space to ANC 1A.
4. At its public meeting held February 23, 2006, the Zoning Commission took proposed action by a vote of 3-0-2 to approve the application subject to certain conditions.
5. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District Charter. NCPC, by action dated February 24, 2006, found the proposed PUD would not affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.
6. The Zoning Commission took final action to approve the application on April 20, 2006 by a vote of 3-0 -2.

The PUD Site and the Area

7. The subject property has a land area of approximately 11,910 square feet. The site is currently zoned C-2-A, designated for low- and medium-density commercial and residential development, respectively, which allows for a maximum density of 2.5 FAR and a maximum building height of 50 feet as a matter of right, and 3.0 FAR and 65 feet with a PUD.
8. The PUD Site is a slightly irregular trapezoid in shape. The subject property currently contains a four story mixed-use building.
9. The Applicant requested a zone change from C-2-A to C-3-A as part of the application, because the proposed building will exceed the bulk limits of the C-2-A zone, although the proposed height of the building could be accomplished within the 65-foot height limit allowed in C-2-A with a PUD.

10. The subject property is situated in Ward 1 in the Columbia Heights neighborhood of Northwest Washington, D.C. The land use context in this section of the Columbia Heights neighborhood is predominantly residential. The PUD Site is located at the northernmost point of a C-2-A zone district that spans three blocks along 11th Street, N.W. The bulk of the area surrounding the PUD Site is zoned R-4 and consists mainly of residential row houses. Nearby commercial districts are located at Georgia Avenue, N.W. to the east and 14th Street, N.W. to the west of the PUD Site.
11. Public transportation serves the PUD Site well, with Metrobus stops along Monroe Street and adjacent streets. The Georgia Avenue/Petworth Metrorail Station is located a few blocks northeast of the site, and the Columbia Heights Metrorail Station is located a few blocks southwest of the site.

The PUD Project

12. The Applicant proposes to redevelop the existing building on the subject property into a condominium to be known as The Sage, containing seven ground-floor commercial units and 28 residential units, including 7 one-bedroom units, 19 two-bedroom units, and 2 three-bedroom units.
13. The Applicant proposes to renovate the existing building and add an additional two stories of residential units to the building. The height of the proposed building will be six stories and 64 feet. The gross floor area will be 46,038 square feet, which equals a floor area ratio ("FAR") of 3.85 on the lot area of 11,910 square feet. Lot occupancy of the existing building is 76 percent, and the Applicant does not proposed to change the building footprint.
14. The Applicant's plans include a rooftop recreational space so that the residents of the development can take advantage of views to the north, west, and south of the building. The roof plan incorporates a green roof and deck for residents. There will be three means of egress from the roof deck, including an elevator. The rooftop level of the building will also contain a small exercise room and a club room, both of which will serve as common amenities of the building for the residents.
15. Vehicular and loading access to the building will be located off the alley from 11th Street, south of the building. The Applicant proposes to create three parking spaces in the vehicular access area behind the building.
16. The exterior of the building will consist of precast stone in the front and an external insulating and finishing system ("EIFS"), which will provide accents for added energy efficiency and visual appeal, in the rear of the building. The renovated portion of the

building will continue the existing pattern of brick and limestone quoining, window placement, keystones, and soldier course.

17. As addressed in the Applicant's Pre-Hearing Statement and in the testimony at the public hearing, the following public benefits and project amenities will be created as a result of this project.
 - a) **Housing and Affordable Housing.** The proposed PUD offers new, quality housing to the Columbia Heights neighborhood. Nine out of 28 units will be designated as affordable to people earning between 30 and 80 percent of the Area Median Income (AMI). The nine affordable housing units will consist of three one-bedroom units and six two-bedroom units, in accordance with Exhibit 57
 - b) **Attractive Architecture, Urban Design, and Landscaping.** The building is attractive for an affordable housing development, including traditional architecture with brick and limestone exterior and EIFS on the rear of the building. The Applicant proposes to extend the existing precast stone exterior to the added stories and continue the same stone quoining, keystones, and soldier course. At six stories and density of at 3.85 FAR, the building will be compatible in scale and design with the surrounding neighborhood.
 - c) **Local Education and Social Services/Facilities.** The Applicant has pledged donations of cash to Harriet Tubman Elementary School in the amount of \$100,000 and to Keely's District Boxing and Youth Center in the amount of \$20,000.
 - d) **Minimal Transportation Impacts.** The proposed development is not expected to generate increased traffic. The PUD Site is served by Metrobus with routes along Monroe Street and adjacent streets and is within walking distance of the Georgia Avenue/Petworth Metrorail Station and the Columbia Heights Metrorail Station.
 - e) **Environmental Benefits.** The Applicant proposes to create a green roof on the building. Green roof technology will improve the environmental efficiency of the building and help with storm water runoff. At least 50 percent of the roof will be a green roof, which will mitigate the higher (albeit existing) lot occupancy of the site.
18. The proposed PUD is not inconsistent with the Comprehensive Plan as indicated by the major themes discussed below:
 - a) **Stabilizing and Improving the District's Neighborhoods.** The proposed PUD will further a major theme of the Comprehensive Plan, "stabilizing and improving the District's neighborhoods." The existing building will be rehabilitated into an

attractively designed condominium building with affordable housing. The proposed mix of commercial and residential uses will benefit and enhance the surrounding area and provide a positive contribution to the neighborhood.

- b) Land Use Element. The Generalized Land Use Map of the Comprehensive Plan designates the site for moderate-density residential development, and the subject property and parcels to the south are located within the C-2-A zone district. The requested C-3-A zoning with a PUD is not inconsistent with this land use classification.
 - c) Ward 1 Element. The PUD will further objectives of the Comprehensive Plan by stimulating “the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1” and providing for the housing needs of low- and moderate-income households, encouraging home ownership, and reducing the overall cost of housing for low- and moderate-income households in the ward.
19. The proposed PUD does not meet the minimum area requirement of § 2401.1 of the Zoning Regulations, because it is 3,090 square feet less than the 15,000 square feet minimum area requirement. The Commission finds that a waiver of the minimum area requirement is warranted in this case, in light of the public benefits and project amenities of the proposed PUD, which will devote at least 80 percent of its gross floor area exclusively for dwelling units and accessory uses.

Office of Planning Report

20. By report dated January 6, 2006 and by testimony presented at the public hearing, the Office of Planning (“OP”) recommended approval of the application, stating that “[t]he extremely robust amenity package combined with the neighborhood need for redevelopment make this project a reasonable compromise between [the moderate- and medium-density residential zones]”, the “proffered amenities are adequate to offset the allowable density increase of 3.85 FAR and can support a map amendment to achieve this density,” and “the project has enough merit to justify the waiver of the 15,000-square-foot minimum lot area [requirement].”
21. OP identified several key public benefits and project amenities of the PUD, including creating affordable housing, providing the neighborhood with retail, improving local education, aiding local social programs, utilizing green roof technology, and providing low-cost office space to the local ANC. OP further stated that the PUD is “not inconsistent” with the Comprehensive Plan, noting compliance with the Generalized Land Use Map and various policies in major elements of the Plan, as well as consistency with several major themes of the Plan.

Reports of Other Agencies

22. The District Department of Transportation expressed no issues or concerns with the traffic impact of this proposed development.

Advisory Neighborhood Commission 1A

23. Advisory Neighborhood Commission 1A submitted a letter dated July 19, 2005 stating that they “emphatically and unanimously support the above referenced PUD application in that it faces no constituent opposition, enjoys overwhelming public support and contains superior public benefit and amenity to the Columbia Heights community.” ANC 1A submitted a second letter, dated November 17, 2005, recommending approval of the PUD-related map amendment, stating that “[t]he relief requested by the applicant is overwhelmingly beneficial to the community, consistent with the intentions of the Comprehensive Plan and expressly authorized by the Planned Unit Development Procedures.”

Other Community Comments

24. Letters in support of the PUD application were submitted to the record from the 1020 Monroe Street 2003 Tenants Association, several members of the District of Columbia Council, the Deputy Mayor for Planning and Economic Development, and individual community members.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. 11 DCMR § 2400.01. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare and convenience.” 11 DCMR § 2400.02.
3. The Zoning Commission has the authority under the PUD process of the Zoning Regulations to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, and courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.

4. The development of this PUD project will carry out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
5. Approval of the application is appropriate, because the proposed PUD is consistent with the present character of the area.
6. Approval of the PUD will be not inconsistent with the Comprehensive Plan.
7. The development of this PUD will be compatible with city-wide goals, plans, and programs and is sensitive to environmental considerations.
8. The Zoning Commission finds that the impact of the proposed PUD on the surrounding area and upon operation of city services and facilities is acceptable given the significance, quantity, and quality of public benefits cited in the Findings of Fact above.
9. The proposed PUD can be approved with conditions that ensure that the development will enhance the neighborhood and ensure neighborhood stability.
10. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the affected ANC's recommendation. The Commission has carefully considered ANC 1A's recommendations for approval and concurs in its recommendations.
11. The application for a PUD will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
12. The Applicant is subject to compliance with D.C. Law 2-38, The Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for consolidated review of a planned unit development and related map amendment from C-2-A to C-3-A for Square 2840, Lot 820. This approval is subject to the following guidelines, conditions, and standards:

1. The PUD shall be developed in accordance with the plans prepared by PGN Architects, PLLC dated January 30, 2006, marked as Exhibit 57 in the record (the "Plans") as modified by the guidelines, conditions, and standards herein.
2. The subject property shall be rezoned from C-2-A to C-3-A.
3. The PUD shall be a mixed-use commercial and residential building consisting of approximately 46,038 square feet of gross floor area, with no more than 5,727 square feet of commercial space and 28 dwelling units. The Project shall not exceed a density of 3.85 FAR. The building shall not exceed a height of 64 feet, as measured in accordance with the Zoning Regulations.
4. The Applicant shall provide affordable housing as described in Exhibit 57, which, at a minimum, will consist of nine units (three one-bedroom and six two-bedroom units) to be sold to persons or families earning between 30 and 80 percent of the Area Median Income (AMI). To the extent that minor modifications are needed in the execution of the program to conform to District or Federal housing programs, the Applicant shall work with the Department of Housing and Community Development to make such changes to comply with the same.
5. The proposed PUD shall include three parking spaces.
6. The Applicant shall create a recreational roof structure in accordance with the Plans. The proposed roof shall incorporate green roof technology. The Applicant or its successors shall maintain all landscaping improvements in good condition.
7. The Applicant shall have flexibility with the design of the proposed PUD in the following areas:
 - a) To vary the location and design of all interior components of the building provided that the variations do not change the exterior configuration or appearance of the building;
 - b) To vary the final selection of the exterior materials within the color ranges and material types as proposed, without a reduction in quality, based on availability at the time of construction; and
 - c) To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the construction codes or that are otherwise necessary to obtain a final building permit.

8. The Applicant shall provide a donation of \$100,000 to Harriet Tubman Elementary School and a donation of \$20,000 to Keely's District Boxing and Youth Center prior to the issuance of certificates of occupancy for the condominiums.
9. No building permit shall be issued for this PUD until the Applicant has recorded a covenant in the Land Records of the District of Columbia, between owners and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to construct on and use this property in accordance with this Order or amendment thereof by the Zoning Commission.
10. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a copy of the covenant with the records of the Zoning Commission.
11. The PUD approved by the Zoning Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three (3) years of the effective date of this Order.
12. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (the "Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

The Zoning Commission at its public meeting held on February 23, 2006 approved the application, subject to conditions, by a vote of 3-0-2 (Carol J. Mitten, Anthony J. Hood, and Michael G. Turnbull to approve; Gregory N. Jeffries and John G. Parsons not participating, not voting).

The Order was adopted by the Zoning Commission at its public meeting on April 20, 2006 by a vote of 3-0-2 (Anthony J. Hood, Carol J. Mitten, and Michael G. Turnbull to approve; Gregory N. Jeffries and John G. Parsons not participating, not voting).

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In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on JUL 28 2006.



CAROL J. MITTEN
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

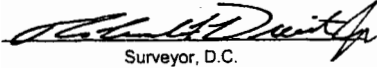
Washington, D.C., June 3, 2005

Plat for Building Permit of SQUARE 2840 LOT 820

Scale: 1 inch = 30 feet Recorded in A & T Book Page 1626

Receipt No. 20105

Furnished to: WANDA SHERROD


Surveyor, D.C.

By: L.M.A.

I hereby certify that all existing improvements shown hereon are completely dimensioned, and are correctly placed; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and placed and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



ZONING COMMISSION
CASE NO. 0078
EXHIBIT NO. 9-6